

**REMARKS**

This is intended to be a full and complete response to the Notice of Non-Complaint Amendment mailed November 7, 2007, having a statutory period for response set to December 7, 2007, per 27 CFR 1.121. Applicants submit that this Amendment and Response is timely filed, and request entry of the amendment in response to the Notice of Non-Compliant Amendment. Claim 21 has had the status identifier corrected to (Previously Presented)

Claims 1-3, 8, and 10-29 are pending in this Application and are shown above. Claims 1-3, 8, 10-18, 22-26, and 29 are rejected by the Examiner. Claims 20-21 and 27-28 are allowed by the Examiner. Claim 19 is objected to as allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. The subject-matter of dependent Claims 18-19 have been incorporated into independent Claim 17. Applicant cancels claims 18-19 without prejudice. Reconsideration of the rejected Claims is requested for reasons presented in the prior response.

### CONCLUSION

Applicants respectfully submit that the Application is in condition for allowance, and pursuant to the filing of this Amendment, Applicants earnestly seek such allowance of Claims 1-3, 8, 10-17, 22-26, and 29 in addition to allowed claims 20, 21, 27, and 28.

To the extent that any further fees are required during the pendency of this Application, including petition fees, the Commissioner is hereby authorized to charge payment of any additional fees, including, without limitation, any fees under 37 C.F.R. § 1.16 or 37 C.F.R. § 1.17, or any fees necessary for submission of his response under 37 CFR 1.121, to Deposit Account No. 07-0153 of Gardere Wynne Sewell LLP and reference Attorney Docket No. 129843-1016. In the event that any additional time is needed for this filing, or any additional time in excess of that requested in a petition for an extension of time, please consider this a petition for an extension of time for any needed extension of time pursuant to 37 C.F.R. § 1.136 or any other section or provision of Title 37. Applicants respectfully request that the Commissioner grant any such petition and authorize the Commissioner to charge the Deposit Account referenced above. Please credit any overpayments to this same Deposit Account.

Should the Examiner have questions, comments, or suggestions in furtherance of the prosecution of this Application, please contact Applicants' representative at 713.276.5728. Applicants, through their representative, stand ready to conduct a telephone interview with the Examiner to review this Application if the Examiner believes that such an interview would assist in the advancement of this Application.

**Please direct all correspondence to the practitioner listed below at Customer No. 60148.**

Respectfully submitted,



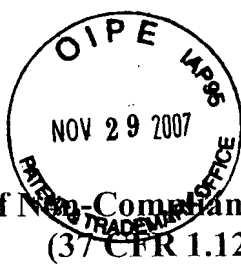
Brian K. Hrna  
Registration No. 41,852  
Gardere Wynne Sewell LLP

Attorney Docket No. 129843-1016 (HARD1.007C1)  
Customer No. 60148

PATENT  
SERIAL NO. 10/770,739

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Dated: November 26, 2007



Notice of Non-Compliant Amendment  
(37 CFR 1.121)

Application No.  
10/770,739

Applicant(s)  
PENG ET AL.

Art Unit  
1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 26 July, 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: *Claim 21 should be previously presented.*
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable Warner Patricia

Telephone No: 571-272-1060